

AMENDED IN SENATE JULY 8, 1996
AMENDED IN ASSEMBLY APRIL 24, 1996
AMENDED IN ASSEMBLY APRIL 8, 1996
AMENDED IN ASSEMBLY MARCH 25, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2482

**Introduced by Assembly Member Pringle
(Coauthor: Assembly Member Bowen)**

February 21, 1996

An act to add Section 1714.49 to the Civil Code, and to add Section 490.6 to the Penal Code, relating to amusement rides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2482, as amended, Pringle. Amusement rides: park rules.

(1) Existing law provides in general that everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself.

This bill would enact the California Rider Safety Act, declaring the findings of the Legislature in this regard, setting forth specified definitions, imposing certain duties upon amusement park riders and the parents or guardians of minor

riders, and requiring certain qualifications of amusement park riders and the parents or guardians of minor riders.

(2) Existing law authorizes a merchant, ~~theatre~~ *theater* owner, or library employee to detain a person for a reasonable period of time for specified prohibited conduct. Existing law also makes it a misdemeanor punishable as specified, to intentionally interfere or obstruct the operation of a lawful business.

This bill would authorize a person employed by an amusement park to detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the person employed by the amusement park has probable cause to believe the person to be detained is violating lawful amusement park rules; provide that if any person admitted to an amusement park refuses or fails to follow lawful amusement park rules, *after being so informed*, then an amusement park employee may request that the person *either comply or* leave the premises, and if the person refuses to leave the premises or comply with lawful park rules, then the person shall be deemed to be intentionally interfering with and obstructing those attempting to carry on a lawful business, thereby imposing a state-mandated local program by expanding the definition of a crime; and provide that in any civil action brought by any person resulting from a detention or an arrest by a person employed by an amusement park, it shall be a defense to that action that the amusement park employee detaining or arresting the person had probable cause to believe that the person was not following lawful amusement park rules and that the amusement park employee acted reasonably under all the circumstances.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 1714.49 is added to the Civil Code, to read:

1714.49. (a) This section shall be known and may be cited as the “California Rider Safety Act.”

(b) The Legislature hereby finds and declares, as follows:

(1) Amusement rides are used by a large number of citizens of the State of California, and also attract to this state a large number of nonresidents, significantly contributing to the tourist industry and tax base.

(2) The safety of the public using amusement rides is an important matter of public policy.

(3) There are ~~inherent~~ health risks associated with the normal and intended experiences offered by amusement rides and patrons are in the best position to evaluate the personal health risks of riding.

~~(4) There are inherent risks associated with all machinery, equipment, or animals that are impractical or impossible for an amusement park to eliminate with all reasonable safety precautions.~~

~~(5)~~
(4) The safety of amusement rides will be greatly improved at minimal costs if riders are subject to minimum safety standards for their own protection and the protection of others.

(c) The following definitions govern this section:

(1) “Amusement park” means any permanent facility or park where amusement rides are available for use by the public.

(2) “Amusement ride” or “ride” means any type of device, mechanical or aquatic, located in an amusement park, that is intended to give amusement, excitement, pleasure, or thrills to passengers whom the device carries or directs along or around a fixed or restricted course, or within a defined area. These terms include devices propelled by passengers or gravity, or which allow individuals to move freely within a defined area.

(3) “Operator” means a person who owns, leases, manages, or operates an amusement park.

(4) “Passenger” or “rider” means any of the following:

~~(i) A person who is waiting in the immediate vicinity to get on an amusement ride.~~

~~(ii)–~~

(A) A person getting on an amusement ride.

~~(iii)–~~

(B) A passenger using an amusement ride.

~~(iv)–~~

(C) A passenger getting off of an amusement ride.

~~(v) A passenger leaving an amusement ride but still in its immediate vicinity.~~

(5) “Patron” means either of the following:

(A) A person who is waiting in the immediate vicinity to get on an amusement ride.

(B) A passenger who is leaving an amusement ride but is still in its immediate vicinity.

However, “~~passenger~~” “passenger,” “patron,” or “rider” does not include employees, agents, or servants of the amusement park while engaged in the duties of their employment.

~~(5)–~~

(6) “Parent” or “guardian” means a parent, custodian, or guardian responsible for the control and safety of a minor rider.

~~(6)–~~

(7) “Sign” means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information and visual signals.

~~(d) A~~ In order to inform amusement park operators, a rider, or the parent or guardian or a minor rider on his or her behalf, shall report in writing to the amusement park or its designated agent any injuries sustained on an amusement ride before leaving the amusement park premises, unless the rider, or parent or guardian of a minor rider, is unable to file a report because of the severity of the injuries. The amusement park shall post

1 notices and otherwise inform riders of ~~their obligation~~ *the*
2 *need and purpose for them* to report injuries in writing
3 pursuant to this subdivision. The failure of a rider, or his
4 or her parent or guardian on a minor rider's behalf, to
5 report an injury under this subdivision shall have no
6 effect on the rider's right to bring a civil action *or recover*
7 *damages; and this section is not intended to affect other*
8 *rights and remedies of civil litigants.* The report shall be
9 filed as soon as reasonably possible and contain all of the
10 following:

11 (1) The name, address, and phone number of the
12 injured person.

13 (2) A brief description of the incident, the injuries
14 claimed, and the location, date, and time of the injuries.

15 (3) The cause of the injury, if known.

16 (4) The name, address, and phone number of any
17 known witnesses to the incident.

18 (e) ~~A~~ *For purposes of educating the public and*
19 *thereby potentially reducing incidents of injuries, a rider*
20 shall, at a minimum, do all of the following:

21 (1) Obey the lawful safety rules prominently posted
22 and maintained in simple and clear language in
23 amusement parks and the oral instructions for an
24 amusement ride ~~reasonable~~ *reasonably* issued by the
25 amusement park operator or the operator's employee or
26 agent.

27 (2) Refrain from acting in ~~any~~ *a negligent or reckless*
28 manner that may cause or contribute to injuring himself,
29 herself, or others.

30 ~~(3) Act within the limits of his or her ability.~~

31 ~~(4)~~

32 (3) Ensure that he or she is not under the influence of
33 alcohol or any drug that affects the ability to safely use the
34 amusement ride or obey the posted rules and oral
35 instructions.

36 (f) The provisions of this section are severable. If any
37 provision of this section or its application is held invalid,
38 that invalidity shall not affect other provisions or
39 applications that can be given effect without the invalid
40 provision or application.

1 SEC. 2. Section 490.6 is added to the Penal Code, to
2 read:

3 490.6. (a) A person employed by an amusement park
4 may detain a person for a reasonable time for the purpose
5 of conducting an investigation in a reasonable manner
6 whenever the person employed by the amusement park
7 has probable cause to believe the person to be detained
8 is violating lawful amusement park rules.

9 (b) If any person admitted to an amusement park
10 refuses or fails to follow lawful amusement park rules,
11 *after being so informed*, then an amusement park
12 employee may request that the person *either comply or*
13 leave the premises. If the person refuses to leave the
14 premises or comply with lawful park rules, then the
15 person shall be deemed to be intentionally interfering
16 with and obstructing those attempting to carry on a
17 lawful business within the meaning of Section 602.1.

18 (c) In any civil action brought by any person resulting
19 from a detention or an arrest by a person employed by an
20 amusement park, it shall be a defense to that action that
21 the amusement park employee detaining or arresting the
22 person had probable cause to believe that the person was
23 not following lawful amusement park rules and that the
24 amusement park employee acted reasonably under all
25 the circumstances.

26 SEC. 3. Nothing in this act shall be construed to affect
27 the law with regard to unaccompanied minors.

28 SEC. 4. No reimbursement is required by this act
29 pursuant to Section 6 of Article XIII B of the California
30 Constitution because the only costs that may be incurred
31 by a local agency or school district will be incurred
32 because this act creates a new crime or infraction,
33 eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section
35 17556 of the Government Code, or changes the definition
36 of a crime within the meaning of Section 6 of Article
37 XIII B of the California Constitution.

38 Notwithstanding Section 17580 of the Government
39 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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